for the year 1991-92, together with the Auditors' Report on the Accounts.

(b) R«view by Government on the wonurig of the above institute.

(c) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

REPORTS OF THE COMMITEE ON 1UBLIC UNDERTAKINGS

SHRI DIPEN GHOSH (West Bengal) : Miadam, I lay on the Table a •copy each (in English and Hindi) of the following Reports of the Com-niittes on Public Undertakings: —

(i) Tenth Report on action taken by Government on the recommendations contained in their Sixth Repor (Ninth Lok Sabha) on Oil & Natural Gas Commission Construction of NR-1 and NH well platforms .

(ii) Eleventh Report on action taken by Government on the recommendations contained in their Ninth Repor: (Ninth Lok Sabha) on Oil & Natural Gas Commission Avoidable payment of Rs. 89.06 lakhs made to a foreign contractor beyond the terms of the contract.

(iii) Twelfth Report on action taken by Government on the recommendations contained in their Seventh Report (Tenth Lok Sabha) on Coal India Limited.

(iv) Thirteenth Report on action taken by Government on the recommendations contained in their fifty-ninth Report (Eighth Lok Sabha) on Oil & Natural Gas Commission—Extra expenditure of Rs. 70.31 lakhs on the purchase of pour point depressent;and

(v) Fourteenth Report on action taken by Government on the recommendations contained in their Fifth Report (Tenth Lok Sabha) on Hindustan Fertilizer Corporation Limited.

MESSAGES FROM THE LOK SABHA

(I) The Rajasthan L Stale L Legislature (Delegation of Powers) Bill, 1998.

(II) The Madhya Pradesh State Legi i>Iature (Delegation of Powers) Bill, 1993.

(Hi) The Uttar Pradesh State Ley-Mature (Delegation of Powers) Bill 1993.

SECRETARY-GENERAL: I have to report to the House the following messages received from the Lok Sabha, signed *by* the Secretary-General -, the Lok Sabha: —

I

"In accordance with the provisions of rule 120 of the Rules of Proceed; so and Conduct of Business in i.ok Sabha, I am directed to infom you that Lok Sabha, at its sitting held on the 29th March, 1993, agreed without any amendment to the Rajasthan State Legislature (Delegation of Powers) Bill, 1993, which was passed by Rajya Sabha at its sitting held on the 16th March, 1993."

II

"In accordance with the provision* of rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 29th March, 1993, agreed without any amendment to the Madhya Pradesh State Legislature (Delegation of Powers) Bill, 1993, which was passed by Rajya Sabha at its sitting held on the 16th March, 1993."

Ill

"In accordance with the provisiorar of rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to in-

from you that Lok Sabha, cat its sitting held on the 29th March, 1993, agreed without any amendment to the Uttar Pradesh State Legislature (Delegation of Powers) Bile, 1993, which was passed by Rajya Sabha at its sitting held on the 16th March, 1993."

SHRI GURUDAS DAS GUPTA West Bengal) Madam,... *(Inier-ruptions)* ...

THE DEPUTY CHAIRMAN: Have you got the permission? ... *(interruptions)* ...

SHRI GURUDAS DAS GUPTA: Yes yes... *(Interruptions)* .. .I have been permitted by the Chairman... *(Interruptions)* **...**

SHRI S. JAIPAL: REDDY (Andhra Pradesh): Madam, ... *(Interruptions)* **...**

THE DEPUTY CHAIRMAN: Let me listen to him... *(interruptions)*... Let me organise the House and then I will permit you.. . *(interruptions)* ... I think the Chairman must have permitted him... *(Interruptions)* **...**

SHRI GURUDAS DAS GUPTA: Yes, yes. Madam, I seek your permission to lay on the Table four papers relating to a controversy involving... *(Interruptions)...*

THE DEPUTY CHAIRMAN: Apart from the 16 Papers laid by the Ministers you also want to lay something on 'the Table? ... *(Interruptions)...*

SHRI GURUDAS DAS GUPTA:.. .a very important * of the country... *(Interruptions)*_____

THE DEPUTY CHAIRMAN: What? ... *(Interruptions)...*

*Expunged as orders by the Chair.

SHRI GURUDAS DAS GUPTA: . . . involving a vary important * * of the country,. . . *(interruptions)* ... a | very important * .,. *(Interruptions)*...

SHE DIPEN GHOSH (West Bengal); Arising* ...*(Interruptions)...*

SHRI SURESH KALMADI (Maharashtra) : The country has never any * . . . *(Interruptions)* ...

SHRI GURUDAS DAS GUPTA: Madam,... (Interruptions) ...

SHRI S. JAIPAL REDDY: Madam, I am sorry that our Members do not have any sense of humour and they do not appreciate the manner of speaking of a Member... *(Interruptions)* ...

SHRI S. S. AHLUWALIA (Bihar): But this is not the way.. *(Interruptions)* **...** This is not the way... *(Interruptions)* **...**

THE DEPUTY CHAIRMAN: Order, 'please... *(Interruptions)* ...

SHRI DIPEN GHOSH: Madiam, he is only laying certain documents on the Table... *(Interruptions)...*

THE DEPUTY CHAIRMAN: What are the docoments? .. (Interruptions).

SHRI GURUDAS DAS GUPTA: This is about the controversy regarding awarding of a contract to two firms belonging to Andhra. One is... *(Interruptions)...*

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Madam, has he given notice?... (Interruptions) ...

THE DEPUTY CHAIRMAN: Yes, I am not allowing anything to be laid on the Table... *(Interruptions)...*

SHRI S. B. CHAVAN: Has he given proper notice?... *(Interruptions)* **....**

* Expunged as ordered by the Chair.

SHRI GURUDAS DAS GUPTA: 1 met the Chairman. . . (Interruptions).

SHRI S. B. CHAVAN: No, no. That is not enough... *(Interruptions)* ... You have to give proper notice... *(Interruptions)* . ..

SHRI PRAMOD MAHAJAN (Maha-rusntra): Madam, the Chairman has permitted him and he must be allowed... *(Interruptions),..*

SHRI S. S. AHLUWALIA: Has he given proper notice or not? ... *(Interruptions)* ... Has he given proper notice or not?... (*Interruptions)* ...

SHRI DIPEN GHOSH: That is to be decided by the Chairman... (Interruptions) .. .It is to be decided by the Chairman whether the notice is proper or not, and not by any Member. . . *(Interruptions)* ...

SHRI S. JAIPAL REDDY: Madam, when the Meember claims that he has been permitted by the Chairman how can he be prevented?

SHRI DIPEN GHOSH; Whether it is in proper form or not is to be decided by the Chairman. Since the Chairman has permitted him, he should be allowed... *(Interruptions)...*

SHRI S. S. AHLUWALIA: He has to apply in proper form... (Interruptions) . . .

THE DEPUTY CHAIRMAN: Just a minute. Let me find out.

SHRI S. S. AHLUWALIA: He has to apply in the proper form... (In *terruptions)...*

THE DEPUTY CHAIRMAN: Order. please... *(Interruptions)...*

SHRI N. E. BALARAM (Kerala): Let him speak, whatever it is... *(Interruption)* ...

SHRI GURUDAS DAS GUPTA: Madam,... *(Interuptions)...*

THE DEPUTY CHAIRMAN: You are levelling charges against whom . . . *(Interruptions)* ...

SHRI GURUDAS DAS GUPTA: Madam, I am only submitting that the statement that has been made by the Government with regard to the award of contract is contrary to facts. I am only referring to the Government's position; I am not referring to any individual .. . *(Inte*-rup*tions)* .. .

SHRI KAMAL MORARKA (Rajasthan) : Exactly... (Interruptions) ...

SHRI GURUDAS DAS GUPTA: I had met the Chairman and the Chairman has permitted me. I have shown all the papers...., (Interruptions) . ..

SHRI S. S. AHLUWALIA; Madam, he is speaking against a statement ! made by the Government or any clarification given by the Govern-•nent He should apply in the proper form... (Inferrupttons) ...

THE DEPUTY CHAIRMAN: He has taken permission... *(Intcrrup-*tions) ...

SHRI MORARKA. Madam, I am on a point of order... . *(Interruptions)* . ..

SHRI MENTAY PADMANABHAM (Andhra Pradeish): Madam, they are infringing on the right of the Member . . . *(Interruptions,)* . ..

SHRI S. S. AHLUWALIA; Madam, there is a separate form for Special mentions. .. *(Interruptions)* ... *T*here is a separate form like this... (In-*'arruptions)* ...

SHRI DIPEN GHOSH: The Chairman has permitted him... *(Interruptions)* .. .

SHRI JAGESH DESAI (Maharashtra) : He cannot make any charges against any individual. No.... *(Interruptions)* ...

SHRI S. JAIPAL REDDY: Madam, *on* a point of order... *(Interruptions)* . ..

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS DR. ABRAR AHMED: Madam, according to the Rules, "No allegation of a defamatory.... *(Inter ruptions)* ... or incriminatory na ture . .. *(Interruptions)* ... shall be made by a Member against any other member or a member of the House... *(Interruptions)...* unless the member making the allegation has given previous intimation to the Chairman.. . *(Interruptions)...* and also to the Minister concerned so that the Minister may be able to make an investigation in the matter or the purpose of a reply..."... *(Interruptions)* .. .

THE DEPUTY CHAIRMAN: Just a minute, please.. . *(Interruptions)* .. . Dr. Abrar Ahmed wants to say something. Let us hear the Minister also .. . *(Interruptions)* ... Let me hear the Minister also.. . *(Interruptions).* ..

THE DEPUTY CHAIRMAN: Let me hear the Minister, please.

DR. ABRAR AHMED; Under Rule 2238 (A). ... *(Interruptions)*

SHRI DIPEN GHOSH: He is referring to a rule which relates to an allegation.

SHRIMATI SUSHMA SWARAJ (Haryana): He is only contradicting a statement of the Government. That rule does not apply here.

THE DEPUTY CHAIRMAN:; Mr. Jaipal Reddy, what is your point of order?

श्रीमती सुषमा स्वराज जब कांग्रेस का सवाल उठाये, तो कोई नियम कानून नहीं . . . **(व्यवधान)** . . जब दूसरे उठायें, तो हर बार आब्जेक्शन हो . . **(व्यवधान)**

SHI S. JAIPAL REDDY; Madam, mere is an established procedure for laying documents by Private Members by authenticating them with the prior permission of the Chair. I had the advantage of doing so twice in regard to the World Bank document and in regard to the ABB deal. Here, in the instant case, Mr. Gupta has obtained the permission of the Chairman to lay the papers.. .

THE DEPUTY CHAIRMAN: Not to lay.

SHRI S. JAIPAL REDDY:...by authenticating them fully. Madam, I have the same papers as Mr. Gupta has. Do you know why I am not laying them? I have not taken the permission. Here is a Member who has taken the permission. And he is not levelling any allegation. He is laying the documents only to prove that certain statement made by the Government are false, are contradictory ... *(Interruptions)*

SHRI S, B. CHAVAN: Madam... *(Interruptions).*

THE DEPUTY CHAIRMAN: The Leader of the House wants to say something... *(Interruptions).*

श्री राम नरेश यादव (उत्तर प्रदेश) : महोदया, क्या पेपर ले डाउन करने की परमिशन प्राप्त की है । मगर . . . **(व्यवधान)**

THE DEPUTY CHAIRMAN: I have only been informed.. .

श्री राम नरेश यादव : नहीं है, तो उस तरह की याचना करने का भी अधिकार नहीं है । अगर सभापति महोदय ने पेपर ले डाउन करने की परमिशन नहीं दी है तो नहीं किया जा सकता . . . **(व्यवधान)**

THE DEPUTY CHAIRMAN: I have not given nor the Chairman has given him permission to lay any document*

on the Table of the House. But, I have a paper that the Chairman has permitted him to say what he wants to say about the Government, but no allegation against anybody.

SHRI GURUDAS DAS GUPTA: No, I am not going to make... *(Interruptions).*

SHRI S. B. CHAVAN: Madam. may I submit for your consideration because this is a very salutary principle which has been incorporated in the rules? Chairman certainly in his discretion has a right to allow any hon. Member to make any submission that he like. But where the rules specifically provide for very valid reasons, the Goverrement having clarified certain things and thereafter if he wants to level the same charge . . . *(Interruptions)* ... there, a procedure has to be followed that he gives notice so that the other party has an opportunity of explaining as to what they have to say about the point that the hon. Member is saying.

SHRI MENTAY PADMANA BHAM: How can you say anything without hearing him? *(Interruptions)*

THE DEPUTY CHAIRMAN: One person at a time, please.

SHRI MADAN BHATIA {Nominated) : Madam, I am on a point of order.

THE DEPUTY CHAIRMAN: I will permit you. Yes. Mr. Morarka.

SHRI KAMAL MORARKA: Madam, the point is very simple. The House is agitated over certain contracts given by the Railway Ministry to one or two firms. It is printed in the newspapers. The matter came up here. And we are fully aware of all these rules which have been quoted by the hon. Minister of Parliamentary Affairs and the Leader of the House. If we are trying to make any allegation against my person whe is not present in the House, we will give notice. If we want to make allegations against a Member of the House, we will give notice. What we are raising is an issue of an irregular award of a contract by the Railway Ministry to two firms. There is no question of allegation. If a contract is irregular, we can certainly raise it because *the* Government is present in the House. Our charge or any allegation that we are making is against the Government. The Government has favoured two parties. That is the substance of what Mr. Gupta is raising. Now. in this whatever matter he is raising, it so happens that the Members have prior information that the irregular contract has gone in favour of person? who are related to the Prime Minister. *(Interruptions).* Because the beneficiaries are the * * the rules cannot be invoked to say that we cannot raise the matter against the Railway Ministry. This is stretching the rules too far... *(Interruptions)* Is the Prime Minister a different entity? *(Interruptions)*

THE DEPUTY CHAIRMAN: Let us go in proper order.

SHRI MADAN BHATIA: Madam. I respectfully submit that there are two fundamental questions involved in this. One is.. . *(Interruptions).*

SHRI GURUDAS DAS GUPTA: Bur I have not yet spoken.

SHRI DIPEN GHOSH: He has not completed.

THE DEPUTY CHARMAN: I have a right to hear the various opinions and then I can give my own ruling. So, let me hear what the Member says. I cannot stop him from saving what he wants to say. As I allowed Mr. Kamal Morarka, it is within my right to allow Mr. Madan Bhatia .ailso.

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*Expunged as ordered by the Chair.

SHRI CHATURANAN MISHRA (Bihar): What I am saying is, before Mr. Gurudas Das Gupta has said something, others have started saying that he is going to say this or that. So, let him first have his say and after that if you feel it is not proper, you can expunge what he has said... *(Interruptions.)*

THE DEPUTY CHAIRMAN: Chaturanan Mishraji, they are raising an objection.

उपसभापति : यह जो आर्गुमेंट हो रहे हैं, यह सबजैक्ट मैटर पर नहीं है । यह प्रोसीजर पर है ।

श्री चतुरानन मिश्र : हमारी बात तो सुन लीजिये ।

THE DEPUTY CHAIRMAN: आप जरा एक मिनट बैठें यह प्रोसिजर पर है । The question is whether he has a right to levy any charges against the Government, whatever objections he may have against an action of the Govern^. ment. This is a procedural matter.

श्री चतुरानन मिश्र : आप जरा हमारी बातें सुन लीजिये । आप रूलिंग दे दीजियेगा । आपकी ही रूलिंग है ।

उपसभापति : हां, मैं रूलिंग दूंगा ।

श्री चतुरानन मिश्र : मुझे यह कहना है कि माननीय सदस्य ने अभी तक कुछ कहा ही नहीं है । (व्यवधान) . . .

श्रीमती सुषमा स्वराज : महोदया, यह सवाल उठाया जा रहा है । (व्यवधान) :

SHRI DIPEN GHOSH: We are not here only to cheer them up or only to certify whatever they do.

THE DEPUTY CHAIRMAN; I understand.

विपक्ष के नेता श्री सिकन्दर बख्त) : सदर साहिबा, मेरी गुजारिश यह है कि गुरूदास दासगुप्त को अपनी बात खत्म करके, इस सम्बन्ध को मौका दीजिए । मुझे कुछ बहुत इम्पार्टेन्ट कहना है ।

उपसभापति : अच्छा, आप बोलिये ।

श्री चतुरानन मिश्र : हम इतनी ही बात कहना चाहते हैं कि गुरूदास दासगुप्त क्या कहना चाहते हैं, यह माननीय सदस्यों को मालूम नहीं है । वह कहेंगे, तभी तो हम लोग बूझेंगे । वह अगर कह दें, इसके बाद नाजायज हो, तो आप एक्सपंज करने के लिये कह दें ।

उपसभापति : नाजायज अनपार्लिया-मेंटरी, तो नहीं है ।

श्री चतुरानन मिश्र : अगर कुछ जहर कहे । पहले ही क्यों हल्ला हो रहा है कि वह यह बात कहने जा रहे है । यह प्रोसीजर कहां है

महोदया, नां आप जानती है कि वह क्या कहने जा रहे हैं । चेयरमैन ने सिर्फ इतना ही अलाउ किया है कि इस विषय पर जो कहना चाहते हैं, वह कह लें । जब वह कह लें, तो आप एक्सपंज कर दें, अगर आप ठीक समझे ।

THE DEPUTY CHAIRMAN: I have allowed Mr. Madan Bhatia to say whatever he wants to say on this. T. have allowed Mr. Bhatia, who is on his feet, to speak. Why do you object to Mr. Bhatia saying anything? I don't understand.

†[ ] Transliteration in Arabic Script.

SHRI MADAN BHATIA: I am respectfully submitting that there are two important questions which are involved in this controversy that has been raised. The first question is whether the Cairman has granted the permission, and you have already observed that the Chairman has granted the permission. The second important question is, the permission which has been granted is permission tor what? In order to determine the scope of the permission which has been granted by the Chairman, we have to see two things. One is, what precisely was the request which was made by the hon. Member to the Chairman while seeking permission, and secondly what are the t?rms of the permission which has been garnated by the Chairman. I am submitting the parameters... (Interruptions.)

SHRI DIPEN GHOSH: Who will decide?

SHRI KAMAL MORARKA; Some new rules have come now... (Interruption I, Madam, we are not going to listen to these things. Let him go and meet the Chairman.

SHRI DIPEN GHOSH: The question is whether Mr. Gurudas Das Gupta is exceeding the limits of the permission.

SHRI MADAN BHATIA: All that I wan; to say is, by the terms of the request which he made to the hon. Chairman and the terms in which *Die* request was granted, he cannot just reply upon the request which land been granted and under the gaits of the request, cannot stand up in the House and start making all sorts of statements and allegations against an individual against whom permission, possibly, could not have been garaned, unless he had given a substanive neice to the Chamnnn. the Chairman had considered that notice, the Chairman had given an opportunity to the opposite party to give his side of the picture and them had granted permission Madam, I am submitting that under the garb of that so-called request, under the garb Of the permission, which he says he had obtained, he stood up and uttered a sentence which is not only derogatory to the entire House, but it also tantamounts to hijacking the House under the gaib of that request. He cannot be permitted. I am submitting that even though such a request was granted—the Chairman had permitted—watever has been said by Mr. Kamal Morarka, the sentence which he uttered, will have to be expunged. It should be expunged.

THE DEPUTY CHAIRMAN: Which sentence Any sentence which is derogatory to any Member, any matter... (Interruptions)

†श्री सिकन्दर बख्त : मैडम श्री गुरुदास दासगुप्त को अपनी बात खत्म करने दी जाए

†मैडम सिकन्दर बख्त : मैडम श्री गुरुदास दास गुप्त को ख़त्म करने दीजिये।

THE DEPUTY CHAIRMAN: Mr. Sikander Bakht, please. Any matter which is derogatory to any Member of the House, I will see to it that it is 'not allowed in the record. 1 will look at the record. *(Interruptions)*

SHRI G. G. SWELL (Meghalaya): Madam, he is questioning the Chairman's permission. *(Interruptions)*

THE DEPUTY CHAIRMAN; Nobody in this Houso has got the authority or the privillege to discuss the Chairman's permission, to question authority of the Chairman. Nobody has that. (Interruptions), He did not. He only discussed about the parameters. *(Interruptions)*

SHRI MADAN BHATIA: I am not questioning the authority of the Chairman to give permission. *(Inter ruptions)* . .. the extent to which it has been accepted. (In-

†[ ] Transliteration in Arabic Script.

terruptions) Possibly, such a request could not have been granted, has not been granted, to discuss the conduct of a person on the floor of the House, who is not a Member of this House. *(Interruptions)*

SHRI KAMAL MORARKA: Madam, he is crossing all limits. You should restrain him. *(Interruptions)*

SHRI MENTAY PADMANABHAM: Madam, in the entire discussion. . .

THE DEPUTY CHAIRMAN: I have permitted Mr. Dipen Ghosh.

SHRI MENTAY PADMANABHAM: Whatever Mr. Bhatia has said should be expunged from the record.

THE DEPUTY CHAIRMAN: I will look at the record. *(Interruptions)* Mr. Dipen Ghosh, what do you want to say? *(Interruptions,)*

SHRI DIPEN GHOSH; The Gov eminent has made a statement. The Government has misled the House. He has a right to say that the Government has misled the House. He is not making any charge. He should be allowed as the Chairman had granted him permission. *(Interruptions.)*

SHRI KAMAL MORARKA: Madam, the South Central Railway has issued a press note when Parliament is in session. This is a gross breach of privilege and contempt of the House. Can we nor raise it on the floor of the House? The South Central Railway has issued a press note denying everything, what is said in the Lok Sabha. We take very strong exception to this. *(Interruptions)*. It is callous. *(Interruptions).* Do we not have the right to raise it in the House? *(Interruptions)* Madam, you should stop Mr. Bhatia. He is talking * *{Interruptions)*

*Expunged as ordered by the Chair.

SHRI MADAN BHATIA: He cannot stand up and say. Madam, you should stop this Member from uttering any derogatory thing. *(Interruptions)* is not discussed. It is his mission is not discussed. It is his own version. *(Interruptions)* I do not want to join issue with the Member. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: Madam, let me compliment you because. . .

THE DEPUTY CHARMAN; Before you compliment. ... *(Interruptions)* Just a minute Before you compliment. I must make the position very clear.

SHRI N. E. BALARAM (Kerala): Is the word 'compliment' unparliamentary?

THE DEPUTY CHAIRMAN; Let me make this very clear. Mr. Bhatia has raised the issue of procedure and he questioned that.. . *(Interruptions)*

SHRI N. E. BALARAM: Mr. Bhatia was indirectly challenging the decision of the Chairman, according to me. It is improper on his part to *do* so. *(Interruptions)*

SHRI MADAN BHATIA: My submission is that the Chairman must be... *(Interruptions)*. And that is what by uttering the first sentence he has done.

THE DEPUTY CHAIRMAN Now as far as the first sentence is concerned, I am definitely assuring the House that I will look into the record. Never, while 1 am presiding, any derogatory remark Or unparliamentary remark has gone on record. So, T assure you that anything which is derogatory in nature or against any one or which undermine the dignity of this House will not go on record. (Interruptions). Just a minute. Let me clarify what the Chairman has said because there have been a lot

of allegations and counter-allegations; somebody is challenging the permission of he Chairman and asking what pemission he has given. So, let me make it very clear that Mr. Gurudas Das Gupta had written to the Chair, man that he would like to mefntion a matter relating to awarding of a contract to a firm in Andhra. *(Interruptions)* . I am unable to read his handwriting. Yes, of the South Central Railway. This is a matter of awarding a contract to a certain firm. So, he is not meintioning any individual. It is a mention about the Railway Ministry. And I think, keeping that in view, the Chairman in his own wisdom has allowed him to mention whatever he is going to mention over here

SHRI S. B. CHAVAN: He is talk-. ing about.*

THE DEPUTY CHAIRMAN: * will not go on record.

SHRI MENTAY PADMANABHAM: Have you anything to hide? Why are you so much worried? *(Interruptions)* , Why are you so much worried about it? *(Interruptions)*.

SHRI JAGESH DESAI: The permission is given only for the contract given to a firm. *(Interruptions).*

श्री सिकन्दर बख्त : डिप्टी चेयरमैन साहिबा, मैं इसी मामले में कुछ कहना चाहता हूं। सदर साहिबा, मैं यह अर्ज करना चाहता हूं कि यह टैक्निकलिटीज की आड़ लेकर एक खराब-सा साया अगर ऐसे व्यक्ति पर पड़ा है तो कोशिश होनी चाहिये कि हमारे अज़ीज़ों की, जोकि सामने बैठे हुए हैं कि वह साया साफ हो जाये न रहे कुजा यह कि टैक्निकलिटीज का सहारा लेकर बिला सबब सीधी-साधी बात के रास्ते में रुकावट डाल रहे हैं। श्री गुरुदास दासगुप्त साहब एक कांट्रेक्ट के बारे में बात करना चाहते हैं और उस बात से ठीक है, ताल्लुक है, किसी न-किसी इंडी-विजुअल का जरूर और अगर उस इंडीविजुअल से ताल्लुक है, तो ट्रेजरी बेंचेज की कोशिश होनी चाहिये कि वह खराबतारी क साये हट जायें, न कि ये रुकावट डालकर उन सायों को कायम रखने की ख्वाइश हो। ये अपने दोस्त खुद नहीं हैं, ऐसा मालूम होता है। बात है, हद हो गई।

†فری سکندر بخت: ڈپٹی چیرمین صاحبہ۔ میں اس معاملے میں کچھ کہنا چاہتا ہوں۔ صدر صاحبہ۔ میں عرض کرنا چاہتا ہوں کہ یہ ٹیکنیکلیٹیز کی آڑ لیکر ایک خراب سا سایہ اگر کسی دیکتی پر بڑ رہا ہے تو کوشش ہونی چاہیے ہمارے عزیزوں کی جو کہ سامنے بیٹھے ہوئے ہیں۔ کہ وہ سایہ صاف ہو جائے نہ رہے کجا یہ کہ ٹیکنیکلیٹیز کا سہارا لیکر بلاسبب سیدھی سادی بات کے راستے میں رکاوٹ ڈال رہے ہیں۔ گرو داس داس گپتے صاحب ایک کانٹریکٹ کے بارے میں بات کرنا چاہتے ہیں اور اس بات سے ٹھیک ہے تعلق ہے کسی نہ کسی انڈی ویجول کا ضرور اور اگر اس انڈی ویجول سے تعلق ہے تو ٹریزری بینچیز کی کوشش ہونی چاہیے کہ وہ سایہ تاریک سائے ہٹ جائیں نہ کہ یہ کہ رکاوٹ ڈال کر ان سایوں کو قائم رکھنے کی خواہش ہو۔ یہ اپنے دوست خود نہیں ہے۔ ایسا معلوم ہوتا ہے۔ کمال کی بات ہے حد ہو گئی۔

SHRI MADAN BHATIA; It is not a question of technicalities that allegations are made against a citizen of India from the floor of this House. It is a question of his reputatioin, which

†[ ] Transliteration in Arabic Script.

is part of a Constitutional right and it is because of the Constitutional right that certain rules have been provided to this effect that before any allegaion is made a substantive mo tion is to be moved and an opportuni ty will be given to the opposite party to place his side of the picture. Only then and then alone the allegation can be made on the floor of this House. (Interruptions).

THE DEPUTY CHAIRMAN: Yes,, Mrs. Alva.

SHRI KAMAL MORARKA: I am sorry. (Interruptions). Mr. Rajiv Gandhi was a more fair person—he allowed Bofors... *(Interruptions,)* .. .to be discussed in this House—than the present Government. They are afraid of discussing these petty scandals . .. *(Interruptions)* .

SHRI MADAN BHATIA; Each and every citizen of this country... (In-*terruptions)* .

श्रीमती सुषमा स्वराज : भ्रष्टाचारियों का कोई फन्डामेंटल राइट नहीं होता। **(व्यवधान)** . . .

It is not a fundamental rignt. ... *(Interruptions)* ...

SHRI PRAMOD MAHAJAN (Maharashtra); The hero of Emergency is speaking about fundamental rights of the; citizens' *(Interruptions)* ....

DR. JINENDRA KUMAR JAIN (Madhya Pradesh): Madam, I want you to give your ruling.

THE DEPUTY CHAIRMAN: I have allowed Mrs. Alva who wants to say something... *(Interruptions)'...*

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITIONAL CHARGE OF THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA:) Madam, the hon. Leader of the Opposition... *(Interruptions)* ...

श्रीमती सुषमा स्वराज* : . . **(व्यवधान)** . . आवाज बन्द करना चाहते हैं, यहां । . . **(व्यवधान)** . . . विपक्ष के लोग **(व्यवधान)** नहीं जानते हैं । . . व्यवधान . . .

श्री एस०एस० अहलुवालिया : कोशिश नहीं है, यह दुर्भाग्य इस बात का है कि रेलवे का कांट्रेक्ट किसी न किसी को मिलना था, पर हम सदन को परिणित कर रहे हैं।*

यहां पर लड़ाई कर रहे हैं । . . **(व्यवधान)** . . . ।

SHRI KAMAL MORARKA: Madam, Mr. Ahluwalia is right. . . *(Interruptions)* . . .

श्रीमती सुषमा स्वराज : किसी न किसी को मलना था* . . . **(व्यवधान)** . . ** . . **(व्यवधान)** . . . . सारी योग्यत ा के ठेकेदार ** . . **(व्यवधान)**

SHRI KAMAL MORARKA: Ma. dam, Mr. Ahluwalia is right. We are with Mr. Ahluwalia.

श्री एस०एस० अहलुवालिया : टेण्डर फार्म भरे थे या नहीं, इस पर विचार करो । . . . **(व्यवधान)** . . .

श्री दीपेन घोष : ठीक है, वह अहलुवालिया की बात ठीक है, किसी न किसी न को कांट्रेक्ट मिलता है, तो वह क्यों नहीं मान लेते कि* **(व्यवधान)** . . .

उपसभापति : आर्डर प्लीज ।

श्री एस०एस० अहलुवालिया : * कोई काम करता है तो क्या वह ठेके नहीं ले सकता ? . . . **(व्यवधान)** . . आप उसकी टेक्निलिटीज के ऊपर जाइए । टेण्डर ईश्यू हुआ था या नहीं हुआ था, टेण्डर भरा गया था या नहीं भरा गया था ? . . **(व्यवधान)** . . .

*Expunged as ordered by the Chair.

श्री शंकर दयाल सिंह (बिहार) :. मैडम, अहलुवालिया जी ने जो बात कही ...(**व्यवधान**).... और इसलिए अब यह बहुत जरूरी है कि* को अगर यह कांन-ट्रेक्ट मिला है तो वह...(**व्यवधान**)...

श्री एस०एस० अहलुवालिया : यह चिल्लाने से कोई फायदा नहीं है।... (**व्यवधान**)...* ने क्या-क्या ठेके लिये हैं, यह बुलवाना चाहते हैं आप मेरे से ? ...(**व्यवधान**)...

THE DEPUTY CHAIRMAN: I want Mrs. Margaret Alva to speak. I have allowed her.

श्री एस० एस० अहलुवालिया :* ने क्या-क्या ठेके लिए, बुलवाना चाहते हैं, आप मेरे से ?...(**व्यवधान**) ... बैठ जाइए, बैठ जाइए ।...(**व्यवधान**)... शीशे में अपना चेहरा देख लो, उसके बाद बात करो।

THE DEPUTY CHAIRMAN: What I want Mrs. Margaret Alva to speak.

श्री दीपेन घोष : अहलुवालिया पश्चिम बंगाल का दामाद है उनको क्यों नहीं दिया गया, यह जवाब दें ?... (**व्यवधान**)...

श्री शंकर दयाल सिंह : हमारा भी कोई दामाद है, उसको क्यों नहीं मिला ? * को क्यों मिला ? अहलुवालिया भी किसी के दामाद होंगे, मैं भी किसी का दामाद हूं, लेकिन मेरे को क्यों नहीं मिला ?

THE DEPUTY CHAIRMAN: What are you talking ...(Interruptions)...

श्री एस० एस० अहलुवालिया : मैं न तो रेलवे कांट्रेक्टर हूं और न रेलवे कांट्रेक्टर की दलाली करता हूं ।... (**व्यवधान**)....

श्री शंकर दयाल सिंह : मैं, सभापति जी, आपसे जानना चाहता हूं कि माननीय सदस्य अहलुवालिया ने ...(**व्यवधान**).. प्रधान मंत्री को बताया है या फसाया है ?...(**व्यवधान**)...

श्रीमती सुषमा स्वराज : * आया है, उनको क्यों नहीं मिला ? ...(**व्यवधान**)...

THE DEPUTY CHAIRMAN: Now, order, order please. Let Mrs. Alva speak. She is the Parliamentary Affairs Minister. Let the Parliamentary Affairs Minister say something, please... *(Interruptions)*...

SHRIMATI MARGARET ALVA: Madam, the Leader of the Opposition has just said that the Goverinment should come before the House... *(Interruptions)*... Will you please allow me to speak? The Chair has allowed me ... *(Interruptions)*...

उपसभापति : किसको ?

श्री ईश दत्त यादव (उत्तर प्रदे मैडम, मेरा प्वाइंट आफ आर्डर है।

उपसभापति : अल्वा जी बोल लें मैं आपका प्वाइंट आफ आर्डर सुन लूंगी ।

श्री ईश दत्त यादव : इतनी देर में तो मैं अपनी बात खत्म कर लेता ।

उपसभापति : आप बैठिए। उनके बाद भी बुलवा दूंगी, उनको बोल लेने दीजिए ! ऐसे जिद नहीं करनी चाहिए, हाउस में ! बैठिए ।

SHRIMATI MARGARET ALVA: The Leader of the Opposition has just said that the Government should come before the House and clarify. You will recall. Madam, that the day before yesterday when the issue was raised in. the House, you gave an assurance that the Railway Minister would, in the course of his reply, clarify the entire issue which has been raised and that the house would have all the details that it would like to have about the contract.

SHRI N. E, BALARAM: Let him come.

*Bxpuisged as ordered by thse Chair.

(Shri N. E. Balaram)

SHRIMATI MARGARET ALVA: An assurance was given that he was coming to reply to the debate on the Railway Budget. The Chairperson herself announced that he had been asked to come and reply. So, every day raising the Same issue when we have given the assurance... *{Interruptions)* ,

SHRI MENTAY PADMANABHAM: What is the assurance?

Madam, the day before yesterday..

SHRIMATI MARGARET ALVA: You have not heard me,

SHRI MENTAY PADMANABHAM: The day before yesterday I submitted that the Railway Minister should make a statement on this issue in the House, but they did not agree to make a statement. They said that they would clarify whatever would be raised... *(Interrupt*tons)

Even now I want to know whether the Railway Minister is prepared to make a statement in this House. He should not only give clarifications but he should make a statement in this House. Is he going to making a state, ment in this House today?

SHRI DIPEN GHOSH: Will the hon. Railway Minister make a Statement on this issue when he replies to the debate on the Railway Budget? If she is giving the assurance. I will be satisfied... (Interruptions).

SHRI MENTAY PADMANABHAM: The Railway Minister should make a statement. They are trying to mix up the Railway Budget with this. It id not fair... *(Interruptions)*

SHRI V. NARAYANASAMY (Pondicherry) : Mr. Mathur also raised the same issue in. this House. You have ruled that the Railway Minister would come today to reply *to* the Railway Budget in this House... *(Interruptions)*

THE DEPUTY CHAIRMAN: Please.

SHRI V. NARAYANASAMY: Madam, the hon. Chairman might not be knowing about the ruling which you Wave given on this matter... *(Interruptions)*

SHRI DIPEN GHOSH: Is she giving an assurance that the Railway Minister is going to make a statement on it? *(Interruptions,)*

SHRIMATI MARGARET ALVA: Madam, you will bear me out that you announced that you 'would get clarified all the issues raised in the course of the reply by the Railway Minister to the debate... *(Interrup tions)*

SHRI MENTAY PADMANABHAM: No, this is not acceptable. Madam, I registered by objection to this kind of thing the other day itself. You said, "Since the House has no time, let us mix up these two things." Even now we are prepared to sit until midnight We are prepared to transact the Government Business. Let the Railway Minister make a categorical, *suo-motu* statement on this issue in this House... *(Interruptions)*

THE DEPUTY CHAIRMAN: Let me clarify something, please. Let me clarify something because I have been referred to. So, I must clarify my position.

When Mr. Mentay Padmanabham raised some issue regarding the railway contract, I observed. "Any matter, any allegation against an individual Who can appear in the House, cannot be levelled without giving a proper motion. So. you give it in writing to the Chairman, and the Chairman will see that the person against whom any allegations are levelled, is present to clarify them." That is one point.

The other point is that Mr. Padmanabham insisted that the Railway Minister should make a statement in the House. I agreed. After that 1 went and discussed this matter with the Railway Minister. He said that he was willing to come and clarify all the doubts about it in the minds of the Members. Subsequently I told the Parliamentary Affairs Minister, Margaret Alvaji, also and I also told Mr. Padmanabham that day ... *(Interruptions)* I know, I know.

SHRI MENTAY PADMANABHAM: Yesterday itself we raised this issue, Madam, and then you clarified it.

THE DEPUTY CHAIRMAN: Yesterday also. You raised it the day before yesterday also. You raised it yesterday also. I observed. 'As there is a lot of pending Government Business, we cannot take it up today or tomorrow. We may take it up when the Railway Minister comes to the House to reply to the discussion on the Railway Budget which we had in. the House." Ths is the thing.

It is a part of the record. I am sure, the Chairman knows about it, that this is a part of the record. The Chairman is not so ill-informed, I must inform the Member who said that the Chairman might not be knowing about it. There is nothing which the Chairman does not know of. Everything I sincerely report to the Chairman. So, the Chairman knows about it. The Chairman, in his wisdom, has allowed some matter to be raised by Mr. Gurudas Das Gupta. I am not aware of what issue he is raising. I cannot know about at until and unless he raises it. If there is aything objetionable, I assure the House that I will rot allow if to go on record.

Now that we have got over our technical problem. I think, Mr. Gurudas Das Gupta, within those parameters if you want to speak, please speak.

RE IRREGULARITIES IN THE AWARD OF CONTRACT BY THE RAILWAYS

SHRI GURUDAS DAS GUPTA: The main point is irregularity in the award of contract by the Railways. The first point is- that the Railways had offered to a firm manufacture of sleepers as far back as in 1988. After one year, in 1939, the offer of the contract was given to Rayalaseema Sleepers. The Rayalseema Sleepers were categorically told that they will have to manufacture the sleepers in a particular place. Chan-takani is the place where they were to manufacture these sleepers. That was under the contract given. But the contract was not met by the firm to which it was awarded. Where is the irregularity? In 1988, the offer of contract was made by the Railways, in 1989, the contract was given to a firm, but for four years that firm does not agree to enter into a contract with the Railways It was an unusual delay of five years. Why was the delay? The delay was because the firm to which the contract was given did not agree to locate the manufacturing unit in that place, where theV were asked to do it by the Railways because that place was a place infested by militant activities. Therefore, 'for five years the contract remained pending and for five years there was a war of correspondence between the Rayalaseema Sleepers and the South-Centra] Railway. This situation undergoes a dramatic change in 1992. That gives rise to suspicion. The dramatic change takes place because suddenly a partnership is formed. This partnership is known as V. S. Engineering. This partnership, not according to my information, but according to the papers that 1 have with me was formed on 6th April, 1992. I have with me the Partnership Deed. I have also with me the Income-Tax Clearance. Both the papers show that the partnership was formed on 6th April, 1992. Incidentally, in the Income-tax clear ance it is shown that the Managing